THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27645 of 2005

Date:02.01.2006

Between:

Dr.B.R.Vani Sree

-------PETITIONER

AND

University Grants Commission and others.

---------RESPONDENTS

ORDER:

The petitioner feels aggrieved by the condition, as to qualifications, incorporated by Sri Venkateswara University, the third respondent, in their advertisement, dated 29.11.2005, insofar as it relates to the posts of lecturers.

The petitioner completed her Post Graduation in Hindi and thereafter did her M.Phil., in the year 1997 from Sri Venkateswara University. She completed her Ph.D. on 12.09.2005. In its advertisement, dated 29.11.2005, the third respondent incorporated a condition to the effect that the candidates must have passed National Eligibility Test (NET), even if a candidate has secured Ph.D degree. An exemption is provided to those candidates, who have completed M.Phil degree by December, 1993 or who have submitted Ph.D. thesis to the University on or before 31.12.2002.

The petitioner contends that before the third respondent issued the present advertisement, the exemption used to be uniform for Ph.D. candidates, who have completed M.Phil, or Ph.D. before 31.12.1993 and that once they have chosen to extend the date of submission of Ph.D. thesis up to 31.12.2002, they ought to have extended the same, in respect of M.Phil degree also.

The learned counsel for the petitioner vehemently contends that the completion of

M.Phil degree and submission of thesis in Ph.D. were treated on par with each other and a uniform date was stipulated by the University Grants Commission (U.G.C.) as well as Universities i.e. 31.12.2002, in the context of granting exemption from clearing NET. He contends that there is no rationale behind adopting different dates for the said courses, in the context of clearance of the NET.

The learned counsel for the University, on the other hand, submits that the U.G.C. formulated the policy way back on 31.07.2002 in this regard and the University did nothing more than adopting the same.

In the matter of stipulation of qualifications, or prescribing standards, almost unbridled freedom is conceded to the academic bodies and organizations. It is for them to decide the standards for respective courses, be it in the matter of prescribing the syllabus or qualifications for appointment to various categories of academic posts.

The first respondent had taken a policy decision to prescribe the test in NET, as a condition precedent, for the candidates to be appointed as lecturers. By the time, the policy came to be implemented, several candidates have acquired M.Phil degrees or submitted the thesis for Ph.D. degrees. Obviously, as a transaction measure, exemption was granted to those candidates, who have completed M.Phil degree or submitted the thesis for Ph.D. by 31.12.1993. This was in force till recently.

In the year 2002, the U.G.C. maintained the distinction between securing M.Phil Degree on the one hand and submission of thesis for Ph.D. on the other. It is not in dispute that M.Phil is a decree, which leads ultimately to Ph.D., and both are not similar or uniform. It may be true that for some time, the U.G.C. has stipulated uniform date for both the degrees in the context of granting exemption from clearing NET. However, it has taken into account the circumstances, and thought it fit to maintain the distinction as to the dates, by which time, the candidates must have completed M.Phil degree on the one hand and submitted the thesis for Ph.D. on the other; in the context of granting exemption. Once it is conceded that both the degrees are different, it cannot be said that there exists any element of discrimination in this regard. At any rate, being a pure matter of academic appraisal, this Court does not find any basis to interfere with the decision taken by respondents 1 and 3.

Hence, the writ petition is dismissed. There shall be no order as to costs.

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02.01.2006

kdl